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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,020

10/23/2006

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PATRADE

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03/15/2011

EXAMINER

JUSKA, CHERYL ANN

ART UNIT

PAPER NUMBER

1798

MAIL DATE

DELIVERY MODE

03/15/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,020	Applicant(s) ROKKJAER, RENNO HJORTH	
	Examiner Cheryl Juska	Art Unit 1798	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed February 2, 2001, has been entered. Claims 12, 14, 26, 32, and 34 have been amended as requested. Claims 1-11 have been cancelled. Thus, the pending claims are 12-35.
2. Said amendment is sufficient to overcome the claim objections set forth in section 4 of the last Office Action (Non-Final Rejection mailed 09/09/2010). Additionally, said amendment is sufficient to overcome the 112, 2nd rejection set forth in sections 5-8 of the last Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 12 is indefinite for the recitation "A method comprising producing carpet squares with carpet pile and a felt backing: making a semi-finished product with the carpet pile..., selecting felt for forming the felt backing...." Said recitation is indefinite because the claim recited the first step of the method as "producing carpet squares with carpet pile and a felt backing," then proceeds to list subsequent steps of making a product with the carpet pile,

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selecting felt, forming a carpet web by coating said product with the felt, etc. Hence, it is unclear how the process which produces a carpet having pile and a felt backing in the first step can include subsequent steps of making the carpet with pile, selecting the felt, and joining the carpet pile and felt backing together. For examination purposes, the claim is interpreted as originally written “A method for producing carpet squares with carpet pile and a felt backing comprising....”

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 12-19, 27, and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0253410 issued to Higgins et al. as set forth in section 10 of the last Office Action.

Applicant has not amendment the claims in an attempt to overcome the prior art rejection. Rather, applicant traverses by arguing that the claimed invention comprises a curable polymer that provides rigidity, but “is not cured until after the carpet web is completed and ready for punching” (Amendment, paragraph spanning pages 7-8). Applicant asserts, “This specific order of steps is important so that the carpet web can be manufactured on traditional carpet machinery which requires flexibility so it can be rolled up during construction” (Amendment, paragraph spanning pages 7-8). Applicant argues Higgins does not disclose this methodology and is not concerned with “maintaining flexibility to allow for manufacture on standard carpet equipment” (Amendment, paragraph spanning pages 7-8).

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In response, it is noted that the features upon which applicant relies (i.e., flexibility for rolling up, a step of rolling up, and manufacture on standard carpet equipment) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hence, applicant's arguments are not commensurate in scope with the claimed invention.

Regarding claim 27, applicant argues "the plant configuration is not implicit as Higgins does not even consider retaining flexibility during the manufacturing process" (Amendment, paragraph spanning pages 7-8). Again, this argument is unpersuasive as not commensurate in scope since claim 27 does not recite any limitation with respect to flexibility or rolling up of the carpet web. The features that are claimed (e.g., product supply sources, application unit, curing unit, and punching unit) are clearly implicit to the Higgins disclosure.

With respect to claim 30, applicant argues Higgins does not teach a cured polymer layer having a thickness less than the felt layer (Amendment, page 8, 1st paragraph). The examiner respectfully disagrees since the friction enhancing coating is thinner than the felt layer.

Thus, applicant's arguments are found unpersuasive and the anticipation rejection stands.

Claim Rejections - 35 USC § 103

8. Claims 20-26, 28, 29, and 31-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the cited Higgins reference as set forth in section 12 of the last Office Action.

Again, applicant has not amended the claims in an attempt to overcome the prior art. Rather, applicant reiterates the arguments presented with respect to the anticipation rejection

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(Amendment, page 8, 3rd paragraph). As discussed above, said arguments have been found unpersuasive.

Applicant also argues the present invention achieves the desired rigidity “without using PVC or bitumen whereas Higgins teaches a carpet layered with multiple PVC layers” (Amendment, page 8, 3rd paragraph). In response, the present claims do not exclude the presence of PVC or bitumen. Hence, applicant’s arguments are not commensurate in scope with the claimed invention.

Regarding applicant’s argument that Higgins teaches a surface coating in an amount not greater than 50 g/m² (Amendment, page 9, 1st paragraph), it is maintained that applicant’s claimed range of 50-500 g/m² would have been obvious to a skilled artisan. Specifically, it would have been obvious to increase the amount of the coating in order to enhance frictional properties, increase the overall thickness, and/or improve the dimensional stability thereof. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 205 USPQ 215.

Thus, applicant’s arguments are found unpersuasive and the obviousness rejection stands.

Conclusion

9. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner can be emailed at cheryl.juska@uspto.gov or the examiner's supervisor, Angela Ortiz can be reached at 571-272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Juska/
Primary Examiner
Art Unit 1798

cj
March 14, 2011